

FIRST REGULAR SESSION

SENATE BILL NO. 87

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Pre-filed December 20, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

0611S.01I

AN ACT

To repeal sections 191.918 and 494.430, RSMo, and to enact in lieu thereof two new sections relating to breast-feeding.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 191.918 and 494.430, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 191.918 and 494.430, to read as follows:

191.918. 1. Notwithstanding any other provision of law to the contrary, a mother may[, with as much discretion as possible,] breast-feed her child **or express breast milk** in any public or private location where the mother is otherwise authorized to be. **To restrict or limit the right of a mother to breast-feed her child is discriminatory.**

2. **The act of a mother breast-feeding a child or expressing breast milk in a public or private location where the mother and child are otherwise authorized to be shall not:**

(1) **Constitute sexual conduct or sexual contact as defined in section 566.010; or**

(2) **Be considered an act of public indecency, indecent exposure, sexual conduct, lewd touching, or obscenity or any other similar term for purposes of state or municipal law.**

3. **A municipality shall not enact an ordinance prohibiting or restricting a mother from breast-feeding a child or expressing breast milk in a public or private location where the mother and child are otherwise authorized to be.**

494.430. 1. Upon timely application to the court, the following persons

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

2 shall be excused from service as a petit or grand juror:

3 (1) Any person who has served on a state or federal petit or grand jury
4 within the preceding two years;

5 (2) **Any nursing mother, upon her request, and with a completed**
6 **written statement from her physician to the court certifying she is a**
7 **nursing mother;**

8 (3) Any person whose absence from his or her regular place of
9 employment would, in the judgment of the court, tend materially and adversely
10 to affect the public safety, health, welfare or interest;

11 [(3)] (4) Any person upon whom service as a juror would in the judgment
12 of the court impose an undue or extreme physical or financial hardship;

13 [(4)] (5) Any person licensed as a health care provider as such term is
14 defined in section 538.205, but only if such person provides a written statement
15 to the court certifying that he or she is actually providing health care services to
16 patients, and that the person's service as a juror would be detrimental to the
17 health of the person's patients;

18 [(5)] (6) Any employee of a religious institution whose religious
19 obligations or constraints prohibit their serving on a jury. The certification of the
20 employment and obligation or constraint may be provided by the employee's
21 religious supervisor.

22 2. A judge of the court for which the individual was called to jury service
23 shall make undue or extreme physical or financial hardship determinations. The
24 authority to make these determinations is delegable only to court officials or
25 personnel who are authorized by the laws of this state to function as members of
26 the judiciary.

27 3. A person asking to be excused based on a finding of undue or extreme
28 physical or financial hardship must take all actions necessary to have obtained
29 a ruling on that request by no later than the date on which the individual is
30 scheduled to appear for jury duty.

31 4. Unless it is apparent to the court that the physical hardship would
32 significantly impair the person's ability to serve as a juror, for purposes of
33 sections 494.400 to 494.460 undue or extreme physical or financial hardship is
34 limited to circumstances in which an individual would:

35 (1) Be required to abandon a person under his or her personal care or
36 supervision due to the impossibility of obtaining an appropriate substitute
37 caregiver during the period of participation in the jury pool or on the jury; or

38 (2) Incur costs that would have a substantial adverse impact on the
39 payment of the individual's necessary daily living expenses or on those for whom
40 he or she provides the principal means of support; or

41 (3) Suffer physical hardship that would result in illness or disease.

42 5. Undue or extreme physical or financial hardship does not exist solely
43 based on the fact that a prospective juror will be required to be absent from his
44 or her place of employment.

45 6. A person asking a judge to grant an excuse based on undue or extreme
46 physical or financial hardship shall provide the judge with documentation as
47 required by the judge, such as, but not limited to, federal and state income tax
48 returns, medical statements from licensed physicians, proof of dependency or
49 guardianship, and similar documents, which the judge finds to clearly support the
50 request to be excused. Failure to provide satisfactory documentation shall result
51 in a denial of the request to be excused. Such documents shall be filed under
52 seal.

53 7. After two years, a person excused from jury service shall become
54 eligible once again for qualification as a juror unless the person was excused from
55 service permanently. A person is excused from jury service permanently only
56 when the deciding judge determines that the underlying grounds for being
57 excused are of a permanent nature.

✓

Copy